

The Honorable J. Kelley Arnold

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

RICKEY PERALEZ, on behalf of
himself and others similarly situated,

Plaintiff,

v.

THE WASHINGTON STATE
DEPARTMENT OF CORRECTIONS;
HAROLD CLARKE; DOUGLAS
WADDINGTON; BELINDA
STEWART; KEVIN SHANAHAN;
JEAN STEWART; and JOHN DOES 1-
20, employees and officials of the
Washington Department of Corrections
and/or Stafford Creek Corrections Center,

Defendants.

NO. C06-5625 JKA

**STIPULATION AND ORDER
ALLOWING PRODUCTION OF
CONFIDENTIAL DOCUMENTS**

The parties stipulate that certain confidential or private information about current and/or former inmates of the Washington State Department of Corrections is necessary to be disclosed solely for the purpose of preparing for trial, and any appeal, in this matter. The

1 parties have discussed the scope of plaintiff's discovery. Defendant's production of these
 2 documents does not, in and of itself, constitute waiver of previously made discovery
 3 objections. Specifically, the parties agree that the following confidential information will be
 4 produced for copying and inspection:

- 5 1. Files of certain current and former inmates of the Washington State Department of
 6 Corrections.
- 7 2. Information regarding current and former inmates of the Washington State
 8 Department of Corrections.

9 These specific documents cannot be further disseminated by plaintiff, plaintiff's attorneys,
 10 their staff or plaintiff's experts without further order of the court.

11 The parties further agree that neither party is permitted to further disseminate this
 12 information except by further order of this court and agree to be bound by the conditions in
 13 this protective order governing the disclosure of information and records in this matter, and
 14 the Court having considered the pleadings filed by the parties in connection with this
 15 stipulation, and being fully advised, now, therefore, these records and information are subject
 16 to the following protective conditions in the protective order governing the use of these
 17 documents and information.

18 IT IS FURTHER ORDERED that all documents and information contained in the
 19 above-described material shall not be disclosed to any person except to the parties' attorneys,
 20 the attorneys' staff, experts retained by a party's attorney(s), their staffs, the parties,
 21 individuals otherwise entitled to obtain said information pursuant to statutory exemptions
 22 from confidentiality and other individuals as herein provided.

23 IT IS FURTHER ORDERED that the parties shall be allowed to use the
 24 aforementioned documents or information in depositions of plaintiff, defendants, medical
 25 doctors, psychologists, nurses, counselors, health care providers and other persons named or
 26 identified in any of the aforementioned documents or in consulting with any expert witnesses

1 in this case, subject to the conditions set forth in this Order. Prior to a deposition of such a
 2 person, a copy of this order shall be provided to the deponent.

3 IT IS FURTHER ORDERED that prior to introducing as evidence or otherwise
 4 disclosing to a jury the existence of any of the aforementioned information or documents, a
 5 hearing shall be held outside the presence of the jury wherein the court will determine the
 6 admissibility of the aforementioned information or documents. Similarly, if any of the
 7 aforementioned material of a confidential or private nature is filed as an exhibit or attachment
 8 to a pleading or motion in this Court, it shall be filed under seal consistent with the court's
 9 rules regarding confidential information.

10 IT IS FURTHER ORDERED that counsel for the parties shall use all documents and
 11 information produced or disclosed pursuant to this Order solely for the purpose of preparation
 12 for and trial of this action. Under no circumstances shall information or materials covered by
 13 this Order be disclosed to anyone other than as provided in this Order. At the conclusion of
 14 the proceedings in this action, including any appeal, all documents and information subject to
 15 this Order, including any copies or summaries thereof, or documents containing information
 16 taken therefrom, shall be returned to counsel for the party producing such documents or
 17 destroyed by the party having such documents. A copy of this Order shall accompany any
 18 copy of the records or information protected by this Order that is released to anyone. No
 19 attorney or expert shall disclose any information gained or derived from the aforementioned
 20 records to anyone without further order of the court unless the person to whom the
 21 information is disclosed is otherwise entitled to obtain such information pursuant to either this
 22 protective order or to statutory exemptions from confidentiality. Violations of this order may
 23 be deemed, and punishable as, contempt of court.

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1 IT IS FURTHER ORDERED that this Order shall remain in full force and effect until
2 such time as this Court modifies its terms or releases the parties from its provisions.

3 DATED this 9th day of August, 2007.

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5 /s/ J. Kelley Arnold
The Honorable J. Kelley Arnold

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7 ROBERT M. MCKENNA
Attorney General

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9 /s/ Mark C. Jobson
10 MARK C. JOBSON, WSBA #22171
Assistant Attorney General
11 Attorneys for Defendants

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13 Eric J. Heipt
14 ERIC J. HEIPT, WSBA#28113
Of Budge & Heipt, P.L.L.C.
15 Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2007, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

/s/Mark C. Jobson
MARK C. JOBSON, WSBA #22171
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